

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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FERNANDO RODRIGUEZ,

Plaintiff,

v.

JOHN KEAST,

Defendant.

Case No. 3:24-cv-00218-MMD-CSD

ORDER

Pro se Plaintiff Fernando Rodriguez, who is incarcerated in the custody of the Nevada Department of Corrections (“NDOC”), sued prison healthcare workers and officials under 42 U.S.C. § 1983 for violating his Eighth Amendment rights regarding delays in scheduling cataract surgery and teeth removal. (ECF No. 12.) Before the Court is the Report and Recommendation (“R&R”) of United States Magistrate Judge Craig S. Denney (ECF No. 45), recommending that Rodriguez’s motion for temporary restraining order and/or preliminary injunction (ECF No. 9) be denied without prejudice because he is now scheduled to receive the further medical care he needs—and Judge Denney is monitoring NDOC’s compliance—after Judge Denney held some hearings on these issues. To date, no objections to the R&R have been filed. Because there is no objection, and as further explained below, the Court will adopt the R&R.

Because there is no objection, the Court need not conduct *de novo* review, and is satisfied that Judge Denney did not clearly err. *See United States v. Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and recommendations is required if, but *only* if, one or both parties file objections to the findings and recommendations.” (emphasis in original)). As noted, Judge Denney recommends denying the pending motion for injunctive relief without prejudice because Rodriguez is now receiving the medical care he needs and Judge Denney is monitoring

1 the situation, having set future status conferences to ensure NDOC officials are getting
2 him the care he needs. (ECF No. 45.) Having reviewed the R&R, Judge Denney did not
3 clearly err.

4 It is therefore ordered that Judge Denney's Report and Recommendation (ECF
5 No. 45) is accepted and adopted in full.

6 It is further ordered that Rodriguez's motion for temporary restraining order and/or
7 preliminary injunction (ECF No. 9) is denied without prejudice.

8 DATED THIS 9th Day of December 2024.

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MIRANDA M. DU
12 UNITED STATES DISTRICT JUDGE
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